UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,686	12/21/2001	Peter A. Tenereillo	3239P099	2082

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12-26-2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office Action is in response to a communication made on December 21,

2001.

Claims 1-20 are pending in this application.

Claim Objections

Claim 17 is objected to because of the following informalities: Because it is listed

twice in the claims set, one time in the same paragraph as claim 16, then the exact

same claim listed again afterwards. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shah (6292832) in view of Still (6718390).

Regarding claims 1 and 7, Shah discloses a method comprising: retrieving data

by one of a plurality of personal content directors each associated with a separate local

domain (Figure 5, element 506, 510, 514, and 518; Column 8, lines 7 – 9; lines 18 –

21), (Column 8, lines 1 – 6); and determining a most proximate local domain for a client

based on subsequent accesses to download data accessible through the absolute links

(Column 8, lines 1 – 6), but Shah does not explicitly indicate that the data includes a

plurality of relative links; translating the plurality of relative links into a corresponding

plurality absolute links that collectively point to the local domains associated with the

plurality of personal content directors. Still discloses a system for redirecting client

requests to a more optimal server, which discloses retrieving data and if that data has a

plurality of relative links (Column 4, lines 58 – 60), translating the plurality of relative

links into a corresponding plurality absolute links that collectively point to the local

domains (Column 4, lines 60 – 63). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to use Still's teaching in Shah's redirector

system in order to manage which server the user interacts with, while the client can

operate like its communicating with just one server (Column 3, lines 27 – 30).

Regarding claim 2, Shah discloses that determining of the most proximate local

domain, comprises transmitting data the client; measuring return trip time values by the

plurality of personal content directors during the downloading of the data accessible

through the absolute links (Column 9, lines 47 – 55); and reporting the return trip time

values to the one of the plurality of personal content directors (Column 9, lines 56 – 65).

Regarding claim 3, Shah discloses that prior to reporting the return trip time trip

values, the method further comprising: storing the return trip time values client network

cache each the plurality of personal content directors (Column 10, lines 43 – 51, if the

devices calculate the RTT, then they have to have memory to cache while its calculating

and being reported).

Regarding claim 4, Shah discloses that the method further comprises: initiating a

HTTP GET request by the client; and routing the HTTP GET request to the one of the

plurality personal content directors (Column 7, lines 59 – 65; Column 8, lines 31 – 35).

Regarding claim 5, Shah discloses that the routing of the HTTP GET request is conducted a domain name server (Column 7, lines 59 – 65).

Regarding claim 8, Shah discloses that the memory includes a client network cache to store an Internet Protocol address and subsequently measured return trip time (RTT) values for each local domain (Column 9, lines 56 – 65).

Regarding claim 9, Shah discloses that the processor measures a return trip time (RTT) value experienced during a downloading of data associated with an absolute link pointing the local domain (Column 9, lines 47 – 55).

Regarding claim 10, Shah discloses that the processor further transmits the measured RTT value to a synchronizing personal content director (Column 9, lines 56 – 65).

Regarding claim 11, Shah discloses that the processor further receives at least one measured RTT value from another remotely located personal content director during a communication session (Column 9, lines 56 – 65).

Regarding claim 13, Shah discloses a network comprising: client to transmit a request for retrieval web page (Column 7, lines 59 – 65); and least two personal content directors (PCDs) capable of being in communication with the client (Figure 5, element 506, 510, 514, and 518; Column 8, lines 7 – 9; lines 18 – 21), first PCD of the at least two PCDS retrieve the web page and measure a return trip time (RTT) value for handling a request to download data accessed by the absolute link directed to the local domain associated with the first PCD (Column 9, lines 47 – 55), but Shah does not explicitly indicate that the data includes a plurality of relative links; translating the

plurality of relative links into a corresponding plurality absolute links that collectively point to the local domains associated with the plurality of personal content directors. Still discloses a system for redirecting client requests to a more optimal server, which discloses retrieving data and if that data has a plurality of relative links (Column 4, lines 58 – 60), translating the plurality of relative links into a corresponding plurality absolute links that collectively point to the local domains (Column 4, lines 60 – 63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Still's teaching in Shah's redirector system in order to manage which server the user interacts with, while the client can operate like its communicating with just one server (Column 3, lines 27 – 30).

Regarding claim 14, Shah discloses that the system further measures a RTT value for handling a request to download data accessed by the absolute link directed to the local domain associated with the second PCD (Column 9, lines 56 – 65).

Regarding claim 16, Shah discloses a domain name server to receive an initial request for retrieval of the web page and to route the initial request the first PCD operating as a synchronizing PCD (Column 7, line 59 – Column 8, line 6).

Regarding claim 17, Shah discloses that the second PCD of the at least two PCDS transmits the value measured by the second PCD to the first PCD (Column 9, lines 56 – 65).

Regarding claim 18, Shah discloses that the first PCD determines a most proximate local domain to the client by comparing the RTT values measured by the at least two PCDS and selected the most proximate local domain being the local domain

associated with one of the at least two PCDS measuring a RTT value with the shortest

duration (Column 10, lines 43 – 51).

Regarding claim 19, the combination of Shah and Still discloses that each the

plurality of absolute links translated the first PCD are tagged links including a Uniform

Resource Locator (URL) tag (Still, Column 5, lines 31 – 36).

Regarding claim 20, the combination of Shah and Still discloses that a switching

device coupled to the at least two PCDS and communication with the client, the

switching device to detect the URL tag within the request to indicate that the request is

intended for measuring the RTT value (Shah, Column 7, line 59 – Column 8, line 6).

Regarding claims 6, 12, and 15, Shah discloses that the measuring of the return

trip time values by a first personal content director of the plurality of personal content

directors includes computing a time difference between arrival HTTP GET request

associated with a subsequent access to the first personal content director and arrival of

a final acknowledgement packet at the first personal content director (Column 11, lines

23 – 29; it takes the http get request, forwards it to the local DRP, which then use the

GET request to get the client location, and measure the RTT).

Prior Art

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U. S. Patent No. 6052718 issued to Gifford, because it discloses redirecting a

client to a more optimal server.

U. S. Patent No. 6795858 issued to Jain, because it discloses using RTT to pick a better local server.

U. S. Patent No. 6070191 issued to Narendran, because it discloses redirecting client requests.

U. S. Patent No. 6446121 issued to Shah, because it discloses calculating RTT and using it to locate a more optimal server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BHARAT BAROT
PRIMARY EXAMINER

March 18, 2005